

REMARKS

Applicant notes with appreciation the opportunity for Applicant's attorney to discuss the application with the Examiner in the course of an interview held on 26 March 2003. The above amendments and remarks reflect those discussions and are submitted to now place the case in condition for allowance.

In light of the above amendments, and the support for "aluminum oxide coated polyester" found in the specification as filed at page 6, line 20, it is now believed that the objection under 35 U.S.C. §132 is no longer proper and it is respectfully requested that it be withdrawn.

Claims 1-5 previously were rejected under 35 U.S.C. §103(a) over Valyi in view of Satoh et al. Claims 2, 11 and 12 stand rejected under 35 U.S.C. §112, first paragraph. Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Omura et al. in view of Satoh et al. Lastly, claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Valyi in view of Satoh et al. and further in view of Narsutis et al. and Omura et al. Claim 1 in present form recites that the "inner layer allowing migration of said butylated phenolic antioxidant therethrough" and the outer layer is "impermeable to a butylated phenolic antioxidant." Support for the amendments to claim 1 are found in the specification as filed at page 2, lines 9-12 and in the experimental data found in the application as filed at page 6, line 19 through Table IV on page 10 clearly indicating the migration of butylated phenolic antioxidant through the inner layer and into a contained food product therein.

In contrast to the invention of claim 1, neither Valyi nor Satoh et al. teaches or contemplates the migration of a butylated phenolic antioxidant through an inner layer of a packaging laminate where the outer layer is selected to be impermeable to butylated phenolic antioxidant.

In view of the above amendments and remarks, it is now believed that the rejection of claims 1-5 under 35 U.S.C. §103(a) over Valyi in view of Satoh et al. is no longer proper and it is respectfully requested that it be withdrawn.

Claims 2, 11 and 12 have been amended to remove subject matter deemed as new matter. As such, it is respectfully submitted that the rejection of claims 2, 11 and 12 under 35 U.S.C. §112, first paragraph, is no longer proper. Withdrawal of this rejection is solicited.

Claim 11 has been amended to recite a “solventless cured adhesive resin selected from the group consisting of: polyether urethane, polyester urethane and polyurethane.”

Omura et al. fails to disclose the resins of pending claim 11. Further, the adhesive layer of Satoh et al. is formed from a resin composition comprising a polyester graft copolymer and a polyurethane resin (column 2, lines 18-29). Satoh et al. teaches that graft polymerization occurs in organic solvent (column 7, lines 6-23) and is thereafter dispersed in an organic or aqueous solvent (column 7, lines 42-52).

In light of the fact that the primary reference is silent as to the recited resins and the secondary reference teaches the necessity of solvent whereas pending claim 11 recites a solventless adhesive, it is now believed that claim 11 is nonobvious over Omura et al. in view of Satoh et al.

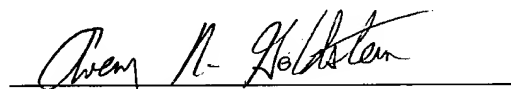
The text of Satoh found at column 7, lines 41-52 in totality must be read to always include a solvent as water is also a solvent.

Claim 12 has previously been rejected under 35 U.S.C. §103(a). As detailed above with respect to claim 11, Satoh et al. teaches either organic solvent or water containing an adhesive resin but never a solventless adhesive. Furthermore, as detailed above with respect to claims 1-5, Omura et al., as well as the other prior art references comprising the rejection, fail to teach the identity of “solventless cured adhesive resin selected from the group consisting of: polyether

urethanes, polyester urethanes and polyurethane.” In light of the above amendments and remarks, it is now believed that claim 12 is nonobvious over the prior art reference combination. Allowance of claim 12 is solicited.

In view of the foregoing, it is respectfully submitted that pending claims 1-5 recite novel and nonobvious structures. Accordingly, entry of this preliminary amendment and the allowance of pending claims 1-5, 11 and 12 is solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Avery N. Goldstein", is written over a horizontal line.

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